

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SAMUEL JACKSON,

Plaintiff,

v.

Case No. 09-11438

CITY OF FLINT, et al.,

Defendants.

**ORDER MEMORIALIZING TELEPHONE CONFERENCE AND SETTING BRIEFING
SCHEDULE ON DEFENDANT CITY OF FLINT'S MOTION TO DISMISS**

The court held an on-the-record telephone status conference on March 9, 2011, with pro se Plaintiff Samuel Jackson and counsel for Defendants, Ms. Angela Watkins of the Flint City Law Department. During the conference, Ms. Watkins agreed to reach out to the last remaining individual Defendant, Blake Hiben, to see if he will turn his defense of the case over to the Flint City Law Department. According to the docket, Defendant Hiben was served late last year. Ms. Watkins advised that typically the city attorney waits for a served defendant to contact the department, but agreed, given the delay already encountered in this case, to contact Defendant Hiben. Ms. Watkins said she will contact the court's case manager by **March 24, 2011**, to update the court on whether she has had any success in conversing with Defendant Hiben.

Mr. Jackson told the court that he had not been served with certain documents that had been filed some time ago. The court suggested that Ms. Watkins re-send those documents, and also send future documents, return-receipt requested to avoid any confusion regarding whether the documents were actually served on Plaintiff.

Ms. Watkins also agreed that Defendant City of Flint—recently re-added as a party in this matter by a March 3, 2011, order of the court—could be deemed served. She added that the city intended to file a motion to dismiss pursuant to Federal Rule of Civil Procedure 12, and the court stated it would set an April 8, 2011, deadline for filing that motion. Accordingly,

IT IS ORDERED that Defendant City of Flint is DIRECTED to file any Rule 12 motion by **April 8, 2011**. Plaintiff is DIRECTED to place his response in the prison mail by **May 3, 2011**. Defendant City of Flint must file any optional reply by **May 12, 2011**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 11, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 11, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522